

REMARKS

Claims 2, 4, 5 and 7-9 are pending. By this Amendment, claims 1, 3 and 6 are cancelled without prejudice to or disclaimer of the subject matter contained therein, and claims 2, 4, 5 and 7-9 are amended. No new matter is added by any of these amendments.

Applicant appreciates the courtesies extended to Applicant's representative by Examiner Wood during the June 9, 2004 telephone interview. In accordance with MPEP §713.04, the points discussed during the interview are incorporated in the remarks below and constitute Applicant's record of the interview.

Applicant gratefully acknowledges that the Final Office Action indicates that claims 4, 7 and 8 contain allowable subject matter. As such, Applicant rewrites allowable claims 4, 7 and 8 into independent form, and amends claims 2, 5 and 9 to correct claim dependencies.

Reconsideration based on the following remarks is respectfully requested.

I. Amendment Entry after Final Rejection

Entry of this amendment is proper under 37 CFR §1.116 because the amendments: a) place the application in condition for allowance; and b) do not raise any new issues requiring further search or consideration. Accordingly, entry of this Amendment is appropriate under §1.116 and respectfully requested.

II. Request for Acknowledgement that References are Considered of Record

An Information Disclosure Statement with Form PTO-1449 was filed on January 28, 2002. Although Applicant has received back from the Examiner a copy of the form PTO-1449, the reference EP 0 697610 A1 was not initialed to acknowledge the fact that the Examiner has considered the cited disclosed information.

The Examiner is requested to initial and return to the undersigned a copy of the subject form PTO-1449. For the convenience of the Examiner, copies of that form and the stamped receipt are attached.

III. The Drawings Satisfy All Formal Requirements

The Office Action objects to the drawings based on informalities. Figures 1-8 were replaced with formal drawings in the November 6, 2001 Response to Notice to File Corrected Application Papers. Withdrawal of the objection to the drawings is respectfully requested.

IV. The Claims are in Condition for Allowance

The Final Office Action rejects claims 1, 2 and 9 under 35 U.S.C. §102(e) over U.S. Patent 6,424,779 to Ellison *et al.* (hereinafter “Ellison”). The Final Office Action further rejects claim 5 under 35 U.S.C. §103(a) over Ellison. The Final Office Action further rejects claims 3 and 6 under 35 U.S.C. §103(a) over Ellison in view of U.S. Patent 6,049,040 to Biles *et al.* (hereinafter “Biles”).

These rejections have been rendered moot by canceling claims 1, 3 and 6, and amending claims 2, 5 and 9 to depend from allowable claim 4, rewritten into independent form. Applicant respectfully requests that the rejections under 35 U.S.C. §§102 and 103 be withdrawn.

V. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

Attachment:

Copy of PTO-1449 filed January 28, 2002 with stamped receipt

Date: June 10, 2004

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